

REMARKS

In the non-final Office Action, the Examiner objects to the specification due to an informality; objects to claim 1 due to an informality; and rejects claims 1-6 under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1-5 of ELLIOTT et al. (U.S. Patent No. 6,335,927).

By the present amendment, Applicants amend the specification to improve form. Applicants also amend claim 1 to improve form and add new claims 7-11. No new matter has been added by way of the present amendment. Claims 1-11 are pending.

The specification stands objected due to an informality. Applicants amend the specification herewith to address the Examiner's concerns. Accordingly, Applicants respectfully request that the objection to the specification be reconsidered and withdrawn.

Claim 1 stands objected due to an informality. Applicants amend claim 1 herewith to address the Examiner's concerns. Accordingly, Applicants respectfully request that the objection to claim 1 be reconsidered and withdrawn.

Claims 1-6 stand rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1-5 of U.S. Patent No. 6,335,927.

While not concurring with the rejection, but to expedite prosecution, a terminal disclaimer is being filed concurrently with this amendment. Accordingly, withdrawal of the rejection of claims 1-6 based on obviousness-type double patenting is respectfully requested.

New claims 7-11 recite additional features that are not disclosed or suggested by the art of record. For example, independent claim 7 recites a method for media

communication over a hybrid network which includes a circuit switched network and a packet switched network. The method includes receiving a request for a media communication; determining an amount of resources in the hybrid network necessary to obtain a requested quality of service; and allocating necessary resources to provide the requested quality of service on the hybrid network. The art of record does not disclose or suggest this combination of features.

Claims 8 and 9 depend from claim 7. Therefore, these claims are patentable over the art of record for at least the reasons given above with respect to claim 7.

Independent claim 10 recites a system for media communication over a hybrid network which includes a circuit switched network and a packet switched network. The system includes a network device configured to receive a request for a media communication, determine an amount of resources in the hybrid network necessary to obtain a requested quality of service, and allocate the amount of resources to provide the requested quality of service on the hybrid network. The art of record does not disclose or suggest this combination of features.

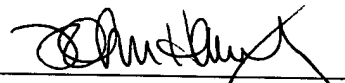
Claim 11 depends from claim 10. Therefore, this claim is patentable over the art of record for at least the reasons given above with respect to claim 10.

In view of the foregoing amendments and remarks, Applicants respectfully requests the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 13-2491 and please credit any excess fees to such deposit account.

Respectfully submitted,

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